

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

U.S. WATER SERVICES, INC.,

Plaintiff,

v.

GREG ITOH,

Defendant.

CASE NO. C11-5144BHS

ORDER DENYING
DEFENDANT'S SECOND
MOTION FOR
RECONSIDERATION

This matter comes before the Court on Defendant's ("Itoh") second motion for reconsideration (Dkt. 32).¹ The Court has considered the pleadings filed in support of the motion and the remainder of the file and hereby denies the motion for the reasons stated herein.

Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.

Local Rule CR 7(h)(1).

The Court has reviewed Itoh's motion and concludes that he has not established that the Court's entry of the TRO constitutes manifest error or that new facts or legal

¹Itoh styled his motion as one for miscellaneous relief. Dkt. 22. Itoh's motion is more properly characterized as a second motion for reconsideration. Therefore, the Court will treat it as such.

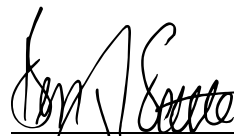
1 authority exist which could not have been brought to the Court's attention earlier with
2 diligence. Therefore, Itoh has not met his burden on reconsideration and his motion
3 should be denied. *See id.*

4 The Court again reminds Itoh that the TRO, as entered, is only temporary relief to
5 maintain the status quo in this matter. Itoh will have full opportunity to defend against
6 Plaintiff's motion for preliminary injunction, which includes correcting facts he views to
7 be in error. *See* Dkt. 22 at 4 (number (3), setting out preliminary injunction briefing
8 schedule).

9 Additionally, Itoh is cautioned that it is his responsibility to understand the Federal
10 Rules of Civil Procedure and the applicable local rules of this Court. Itoh is expected to
11 operate under and file in accord with those rules, as applicable to his case.

12 Therefore, it is hereby **ORDERED** that Itoh's second motion for reconsideration
13 (Dkt. 32) is **DENIED** for the reasons discussed herein.

14 DATED this 17th day of March, 2011.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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